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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,395	12/19/2005	Francois Dronne	T2151-10156US01	8482
181 7590 01/31/2008 MILES & STOCKBRIDGE PC 1751 PINNACLE DRIVE SUITE 500 MCLEAN, VA 22102-3833			EXAMINER WENDELL, ANDREW	
			ART UNIT 2618	PAPER NUMBER
			NOTIFICATION DATE 01/31/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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sstiles@milesstockbridge.com

# Office Action Summary

Application No.

10/537,395

Applicant(s)

DRONNE ET AL.

Examiner

Andrew Wendell

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/2007 has been entered.

### *Priority*

2. It is noted that this application appears to claim subject matter disclosed in prior Application No. FR 0310709 and PCT/FR04/02095, filed 9/11/2003 and 8/5/2004. A reference to the prior application must be inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c). See 37 CFR 1.78(a). For benefit claims under 35 U.S.C. 120, 121, or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all nonprovisional applications. If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference to the prior application must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an

international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A benefit claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

If the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the

information concerning the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required. Applicant is still required to submit the reference in compliance with 37 CFR 1.78(a) by filing an amendment to the first sentence(s) of the specification or an ADS. See MPEP § 201.11.

***Specification***

3. The disclosure is objected to because of the following informalities: please insert headings in specification such as Background of Invention, Summary of Invention, Brief Description of Drawings and Detailed Description. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5 and 6-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Immonen et al. (US Pat# 7,010,305) in view of Cayla et al. (US Pat Pub# 2004/0004949).

Regarding claim 1, Immonen teaches quality of service management method in a packet mode mobile communication network (Fig. 1), characterized in that, in order for a service to be executed by a subscriber to the network to which a data stream corresponds, determining a set of quality of service parameters including at least one first quality of service parameter corresponding to a subscriber priority ("allocation/

retention priority", Col. 8 line 24-Col. 9 line 13) and at least one second quality of service parameter related to a type of service ("service attributes", Col. 8 line 24-Col. 9 line 13); and determining an overall priority level ("parameter decision", Fig. 1) associated with the data stream based on a value of the at least one quality of service parameter and at least one second quality of service parameter, the value of the overall priority level alone indicating a priority for accessing network resources to execute the service by the subscriber (Col. 8 line 24-Col. 9 line 13). Immonen is vague and therefore fails to teach a type of service.

Cayla teaches determining a set of quality of service parameters including at least one first quality of service parameter corresponding to a subscriber priority (Sections 0032-0033) and at least one second quality of service parameter related to a type of service (Sections 0032 and 0036-0038); and determining an overall priority level ("Quality of service parameter", Section 0032) associated with the data stream based on a value of the at least one quality of service parameter and at least one second quality of service parameter, the value of the overall priority level alone indicating a priority for accessing network resources to execute the service by the subscriber (Sections 0032-0039).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a type of service as taught by Cayla into Immonen's method for assigning values of service attributes in order to increase efficiency (Sections 0007-0008).

Regarding claim 2, the combination including Immonen teaches a stage that consists in determining, based on the overall priority level, at least one quality of service process to be applied to the data stream (Col. 8 line 24-Col. 9 line 13).

Regarding claim 3, the combination including Immonen teaches a stage that consists in, in the case of a network overload, applying the quality of service process to the data stream, taking into account the overall priority level related to this data stream and the overall priority levels related to the data streams that correspond to other subscribers found on the network ("allocation/retention priority," Col. 8 line 24-Col. 9 line 13).

Regarding claim 4, Immonen teaches a data stream is determined according to a table (Col. 7 lines 22-56) that specifies an overall priority level value for each combination of the two quality of service parameters that corresponding, respectively, to a subscriber priority level and a service type (Col. 8 line 24-Col. 9 line 13). Immonen is vague and therefore fails to teach a service.

Cayla teaches a service (Sections 0032-0039).

Regarding claim 5, the combination including Immonen teaches that the network is managed by an operator, and the overall priority levels can be configured by the network operator 12 (Fig. 1).

Regarding claim 7, the combination including Immonen teaches the quality of service parameter that corresponds to the subscriber priority level used for determining the overall priority level includes one of the parameters of the group that includes: the "Allocation Retention Priority" quality of service parameter (Col. 8 line 57), the quality of

service sub-parameters and parameters are defined within the framework of the 3GPP telecommunications standard (Col. 10 lines 30-40).

Regarding claim 8, the combination including Immonen teaches the quality of service parameter related to the type of service used to determine the overall priority level includes the "Traffic Class" quality of service parameter (Col. 9 lines 14-32), defined within the framework of the 3GPP telecommunications standard (Col. 10 lines 30-40).

Regarding claim 9, Immonen teaches the quality of service parameter related to the type of service used to determine the overall priority level further includes the "Traffic Handling Priority" quality of service parameter (Col. 9 lines 14-32), defined within the framework of the 3GPP telecommunications standard to associate a priority level to the data stream on the network when the data stream corresponds to an interactive type service (Col. 10 lines 30-40). Immonen is vague and therefore fails to teach an interactive type service.

Cayla teaches an interactive type service (Sections 0032-0039).

Regarding claim 10, Immonen teaches the execution of a service by a subscriber of the network to which a data stream corresponds, in order to determine an overall priority level associated to the data stream according to at least one quality of service parameter that corresponds to a subscriber priority level and at least one quality of service parameter related to the type of service (Col. 8 line 24-Col. 9 line 13). Immonen is vague and therefore fails to teach a service parameter.

Cayla teaches a service parameter (Sections 0032-0039).



Regarding claim 11, the combination including Immonen teaches according to the overall priority level associated with a data stream, at least one quality of service process to be applied to this data stream (Col. 8 line 24-Col. 9 line 13).

Regarding claim 12, the combination including Immonen teaches a quality of service process to a data stream, whilst taking into account the overall priority level associated to this data stream and the overall priority levels associated to the data streams that correspond to other subscribers on the network ("allocation/retention priority," Col. 8 line 24-Col. 9 line 13).

Regarding claim 13, Immonen teaches a behavior table (Col. 7 lines 22-56) that specifies a value of the overall priority level for each combination of the two quality of service parameters corresponding, respectively, to a subscriber priority level and a type of service (Col. 8 line 24-Col. 9 line 13). Immonen is vague and therefore fails to teach a type service.

Cayla teaches a type service (Sections 0032-0039).

Regarding claim 14, the combination including Immonen teaches that the network is managed by an operator, and the overall priority levels can be configured by the network operator 12 (Fig. 1).

Regarding claim 15, the combination including Immonen teaches service node (SGSN, Fig. 1) of a core network (Fig. 1) that ensures the management of the communication link with the access network (Fig. 1).

6. Claims 6 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Immonen et al. (US Pat# 7,010,305) in view of Cayla et al. (US Pat Pub# 2004/0004949) and further in view of Jouppi et al. (US Pat# 7,031,718).

Regarding claim 6, Immonen teaches the mobile network includes a core network (Fig. 1) and an access network (Fig. 1) and is implemented by at least some nodes of the group that includes a service node (SGSN, Fig. 1) of the core network that ensures the management of the communication link with an access network (Fig. 1). Further, Immonen in view of Cayla teaches the limitations in claim 1. Immonen and Cayla fails to teach a service node and an access network radio resource.

Jouppi's method for selecting a quality of service teaches a service node (GGSN, Fig. 1a) of the core network that ensures the interconnection with an external network, and a management node of the access network radio resources (BTS and BSC, Fig. 1a).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a service node and an access network radio resource as taught by Jouppi into a type of service as taught by Cayla into Immonen's wireless communication in order to improve quality of service (Col. 6 lines 19-25).

Regarding claim 16, Jouppi further teaches a service node (GGSN, Fig. 1a) of a core network (Fig. 1a) that ensures the interconnection with an external network.

Regarding claim 17, Jouppi further teaches a radio resource management node (BTS and BSC, Fig. 1) of an access network.

***Response to Arguments***


7. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Wendell whose telephone number is 571-272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Andrew Wendell  
Examiner  
Art Unit 2618

  
NAY MAUNG  
SUPERVISORY PATENT EXAMINER

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